

Testimony to the Michigan House Education Committee
Regarding HB 5409 through HB 5418
Offered by Carol Greilick
April 14, 2016

Chairperson Price and distinguished Education Committee Members, thank you for this opportunity to speak to you today. My name is Carol Greilick, and I am the Assistant Superintendent for Special Education at Traverse Bay Area Intermediate School District (TBAISD). TBAISD operates center-based special education programming for approximately 350 students with low incidence conditions in a five-county area and provides related services for approximately 3,000 additional students with Individualized Education Plans in all local districts, public school academies, and registered nonpublic schools in the same area. I offer testimony today regarding the importance of specific changes to HBs 5413, 5414, 5415, and 5417.

Throughout my career, I have advocated for the protection of the dignity of students: In 1989, I was a practicing school psychologist and offered testimony on behalf of the Michigan Association of School Psychologists in support of the ban of corporal punishment in schools to the Senate Education Committee. In 2006, my colleagues and I read carefully the guidance published by the Michigan Department of Education (MDE) titled, "Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint." The care, welfare, safety, and security of students is primary, and TBAISD has always had protocols in place to ensure adherence to these guidelines. We continue to refine our implementation of a multi-tier system of supports and school-wide positive behavior supports to teach and support pro-social behavior. We conduct functional assessments in order to understand individual students' behavior difficulties and plan individually for them. Still, students sometimes pose a threat to the safety of themselves and others; we are obligated to keep both students and staff safe while deescalating a crisis and supporting a student.

We support uniform policy and practice regarding the use of seclusion and restraint in Michigan public schools. We do ask that you continue to support educators as we support students by considering the following changes:

5413: Regarding documentation and reporting:

Sec. 1307D (C)(I) encourages districts to "use a trained behaviorist to conduct a functional behavioral assessment." Trained behaviorist is not defined anywhere in the package of bills, nor is it addressed in any certification, approval, or licensure in Michigan. We suggest this language be eliminated so that districts are encouraged to "conduct a functional behavioral assessment to inform a student-specific plan."

5414: Regarding an ISD's written "emergency intervention plan" and a human rights committee:

The requirement in Sec. 1307E (A) that an ISD write a general "emergency intervention plan" seems contrary to the IDEA requirement that plans to address a student's needs be individualized.

There are an unlimited number of emergency situations and to specify in a plan the potential actions to be taken in all such situations is not possible. We suggest that an ISD be required to more generally describe training of de-escalation strategies in crisis situations, emergency intervention, and functional assessment to determine appropriate, student-specific actions. Sec. 1307E (A) requires that the plan be "developed and periodically revised in partnership with parents and guardians" and (B) describes a human rights committee that includes three members of the ISD's parent advisory council with the responsibility to ensure training and appropriate staffing levels. We believe such responsibility belongs to the District and does not lie with a committee that includes parents. Finally, are the local school districts within the ISD required to follow the plan described in this bill? We suggest that this be specified.

5415: Regarding data collection:

Sec. 1307F (A) requires ISDs to develop data collection systems and (B) (v) requires submission to the Department. Will the Department specify the data to be collected? Are the local districts within the ISD required to report data to the ISD for ISD submission or will data be submitted by each local district? Will the data be submitted through the Michigan Student Data System (MSDS) or some other electronic data base?

5417: definitions

We are concerned that the definition of emergency seclusion in Sec. 1307H (F) specifies that it may not take place in a location that is "outside the usual teaching environment." This is later defined in (V) as a room "regularly accessed by the general student body." TBAISD operates some limited programs in a segregated building; IEP teams may place a student in such a setting when placement in a less restrictive environment has not led to educational progress or has prevented the staff from keeping the student or others safe. We are concerned that we may not be able to safeguard the welfare, safety, and security of all students if we could not make use of a location outside of the normal teaching environment that is generally accessed by the general student body in some cases in which student safety is at risk or the functional behavior assessment indicates that a student's behavior is reinforced, that is, strengthened, if not taken out of the normal teaching environment where social reinforcement is eliminated. Such restrictions may be contrary to best practice that is informed by applied behavior analysis.

Also "Mechanical Restraint" in (K) should be clarified. Seatbelts, harnesses, and so on are considered mechanical restraints but are not used by the general population, so they do not fit the exclusion allowed by the definition. We suggest that this be addressed to allow seatbelts, harnesses, and so on when the safety of the student and others is at risk.

In August, 2015 I attended Lt. Governor Calley's Listening Tour in Traverse City, and I thank him for advocating on behalf of vulnerable students. I urge you, however, to consider the negative impact on a district's ability to maintain student and staff safety and the extent to which best practice informed by research would be undermined should the concerns presented here go unaddressed.

Thank you, Chairperson Price and Committee members, for this opportunity to testify regarding important changes that TBAISD believes will ensure student care, welfare, safety, security, and dignity.